IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 23804 of 2004

Between:

Tadlamudi Srinivasulu, S/o. Ramaiah,
R/o. Dundigam Village, Dagadarthi Mandal, Nellore District.

... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Dagadarthi Village & Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd Respondent in evicting the petitioner from the land to Ac. 4.99 cents in Sy.No. 436/1, situated at Dundigam Village, Dagadarthi Mandal, Nellore District, without giving any notice and without conducting any enquiry, is arbitrary, unreasonable and accordingly set aside the impugned order passed by 3rd respondent made in Rc.No. /2004 dated 10-9-2004 and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of land to Ac. 4.99 cents in Sy.No. 436/1, of Dundigam Village, Dagadarthi Mandal, Nellore District.

Counsel for the Petitioner: MR.G.TUHIN KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Revenue for the respondents.

2. In this writ petition, the petitioner is challenging the order dated 10-09-2004 passed by the third respondent – Mandal Revenue Officer in Proceedings Rc.No.248/04 in respect of Ac.4.99 cents of dry land comprised in S.No.436/1 of Dundigam Village of Dagadarthi Mandal, Nellore District. The impugned orders were issued by the third respondent in exercise of the powers under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

3. Admittedly, against the impugned orders, the petitioner has an effective alternative remedy of filing an appeal before the Revenue Divisional Officer concerned and without availing the same, the petitioner has approached this Court in a posthaste manner.

4. In the circumstances, without going into the merits of the case, the writ petition is disposed of directing the petitioner to file an appeal along with a stay application before the second respondent - Revenue Divisional Officer within a period of three weeks from today. The second respondent – Revenue Divisional Officer is directed to pass appropriate orders either on the stay application or dispose of the appeal itself, as expeditiously as possible. Till the disposal of the stay application, status quo existing as on today shall be maintained.

The writ petition is accordingly disposed of at the admission stage.

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N.V. RAMANA, J

December 21, 2004

MRR/NSR

Copy to:

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Dagadarthi Village & Mandal, Nellore District.

4 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

5 Two C.D. Copies.